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10/585,274	02/12/2007	Christian Bertin	5284-73PUS	2414
27799 7590 12/16/2008 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER				
CHOKSHI, PINKAL R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,274

Applicant(s)

BERTIN, CHRISTIAN

Examiner

PINKAL CHOKSHI

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 6-24 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claims 6-24** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 6-24 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3, 4, and 5** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,143,430 to Fingerma et al (hereafter referenced as Fingerma).

Regarding **claim 1**, "a method of recording audiovisual content in a communications network including at least one network recorder able to record audiovisual content broadcast on a plurality of broadcast channels" reads on a method of remote storing time schedule media programs received from cable television system on a delivery device based on the request received from a

client over the network (abstract and col.3, lines 6-9) disclosed by Fingerman and represented in Fig. 1 (element 50).

As to "characterized in that said audiovisual content is recorded by a network recorder at the request of a user having a communications terminal able to exchange information with at least one network recorder via said communications network" Fingerman discloses (abstract and col.5, lines 12-15) that the delivery system records the program requested by client terminal via Internet as represented in Fig. 1 (elements 11, 17, 50).

As to "said method comprising the following steps: the network recorder declaring itself in the network, the declaration indicating at least: a means of access to said recorder" Fingerman discloses (col.5, lines 12-15, 37-39) that the clients and delivery system devices communicates with each other using communication network such as Internet where server maintains a list of the programs available on all the delivery systems available on the network as represented in Fig. 1 (element 17).

As to "a list of broadcast channels whose broadcast audiovisual content can be recorded by the network recorder" Fingerman discloses (col.3, lines 48-56) that the client receives a preferred program schedule or listing which shows the programs available to store at the delivery systems.

As to "the user using a terminal to select a network recorder able to record at least one required audiovisual content and to connect thereto using said access means in order to request the recording of said at least one audiovisual

content" Fingergerman discloses (col.3, lines 51-53; col.5, lines 33-36) that the client has an option to access program listing of the other delivery systems and also forwards requests for program recording to selected delivery systems capable of recording requested programs using Internet.

As to "said request including an identification of said at least one audiovisual content to be recorded that consists in a unique reference of said content and/or an identification of an instance of said content consisting of at least the identification of the broadcast channel of said instance accompanied by the indication of a broadcast time band" Fingergerman discloses (col.8, lines 12-44) that the client request submitted to server includes broadcast channel number, broadcast start/end time, etc as represented in Fig. 4.

As to "the network recorder sending a response to the user's recording request containing, if the request is accepted, an identification of the accepted recording request for each content to be recorded" Fingergerman discloses (col.9, lines 55-59) that the delivery system sends a message back to client informing client that the program requested to store has been accepted and recorded as represented in Fig. 6.

Regarding **claim 3**, "a method characterized in that it also includes the steps consisting in the user formulating a request to cancel an accepted recording request or to delete a content recorded by the network recorder, indicating at least the identification of the accepted recording request" Fingergerman

discloses (col.10, lines 54-64) that after user's requested program is recorded on the delivery system, system sends a message to client to either watch or erase the program recorded on the delivery device as represented in Fig. 9 (element 607).

Regarding **claim 4**, "a method characterized in that said means of access to a network recorder consist in an address of said recorder in the network" Fingerman discloses (col.6, lines 41-46) that the delivery system, which includes playback server, has Internet address.

Regarding **claim 5**, "a method characterized in that said means of access to a network recorder consists in a directory listing operations specific to the network recorders, each network recorder being identified by said operation" Fingerman discloses (col.3, lines 48-56) that the client has access to program listing available at one or more delivery systems, where each delivery device is assigned with a preferred program listing. Fingerman further discloses (col.8, lines 32-35) that the user has an option to select different location listing data, which will response with the program listings for the selected location as represented in Fig. 4 (element 207).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerman in view of US PG Pub 2003/0190149 to Chang et al. (hereafter referenced as Chang).

Regarding **claim 2**, "a method characterized in that it also includes the steps of: for the network recorder, sending a response to the recording request status request containing at least the identification of the accepted recording request and the status of the request" Fingerman discloses (col.9, lines 55-59) that the delivery system sends a message back to client informing client that the program requested to store has been accepted and recorded as represented in Fig. 6.

Fingerman meets all the limitations of the claim except "for the user, if the request is accepted, sending the network recorder a recording request status request indicating at least said identification of the accepted recording request." However, Chang discloses (¶0052) that the recording result of user's requested program is provided to user in response to a status request from the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Fingerman's system by sending a status

request to a server/delivery device as taught by Chang in order to monitor the status of the user's requested program.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 6,732,158 to Hesselink discloses a method where a user can schedule recording of a program using Internet network.
- US Patent 7,003,791 to Mizutani discloses a user that records programs via Internet to a remote computing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425